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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ALICIA GARCIA, an individual,

Case No. 2:22-CV-00694-JCA-DJA

Plaintiff,

vs.

SMITH'S FOOD & DRUG CENTERS, INC.  
d/b/a SMITH'S FOOD AND DRUG, a foreign  
corporation; DOES I through X; and ROE  
ENTITIES I through X,

Defendants.

**STIPULATED DISCOVERY PLAN AND  
SCHEDULING ORDER**

COMES NOW Defendant SMITH'S FOOD & DRUG CENTERS, INC., ("SMITH'S") by and through its counsel, JERRY S. BUSBY, ESQ., of the law firm COOPER LEVENSON, P.A. and Plaintiff ALICIA GARCIA, by and through her counsel, DAVID A. TANNER, ESQ. of TANNER LAW FIRM, and hereby submit this Stipulated Discovery Plan and Scheduling Order.

**Fed.R.Civ.P. 26(f) Conference.**

Counsel for the parties participated in a Rule 26 Discovery Conference on May 13, 2022. The conference was attended by David A. Tanner, Esq. for Plaintiff and Jerry S. Busby, Esq. for Defendant. At the conference, there were no discovery disputes at that time. The parties agree to exchange their disclosure statements in a timely manner. Below is the parties proposed discovery schedule:

**1. Discovery Cut-Off Date:**

Defendant filed its Notice of Removal on April 28, 2022. Based upon the evidence reviewed by counsel, the parties require six months for discovery. Specifically, the parties request six months for discovery which equates to a discovery cut-off date of October 25, 2022 – 180 days

1 after Defendant filed its Notice of Removal.

2. **Amending the Pleadings and Adding Parties:** The parties request that all motions  
3 to amend the pleadings or to add parties be filed no later than July 27, 2022 – 90 days prior to the  
4 proposed close of discovery.

5. **Fed.R.Civ.P. 26(a)(2) Disclosures (Experts):** The parties request the disclosure of  
6 experts be made on or before August 26, 2022 – 60 days before the proposed discovery cut-off date.  
7 Disclosure of rebuttal experts shall be made by September 26, 2022 – 31 days after the initial  
8 disclosure of experts.

9. **Interim Status Report:** Under recent changes in the rules, the parties will not file  
10 an interim status report previously required by LR 26-3.

11. **Dispositive Motions:** The date for filing dispositive motions shall be no later than  
12 November 28, 2022 – 34 days after the proposed discovery cut-off date. In the event that the  
13 discovery period is extended from the discovery cut-off date set forth in this proposed Discovery  
14 Plan and Scheduling Order, the date for filing dispositive motions shall be extended to be not later  
15 than 30 days from the subsequent discovery cut-off date.

16. **Pretrial Order:** The date for filing the joint pretrial order shall not be later than  
17 December 28, 2022 – 30 days after the cut-off date for filing dispositive motions. In the event that  
18 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30  
19 days after decision on the dispositive motions or until further order of the court. In the further event  
20 that the discovery period is extended from the discovery cut-off date set forth in this Discovery Plan  
21 and Scheduling Order, the date for filing the joint pretrial order shall be extended in accordance with  
22 the time periods set forth in this paragraph.

23. **Fed.R.Civ.P. 26(a)(3) Disclosures:** The disclosures required by Fed.R.Civ.P.  
24 26(a)(3), and any objections thereto, shall be included in the joint pretrial order.

25. **Alternative Dispute Resolution:** Counsel for the parties certify that they met and  
26 conferred about the possibility of using alternative dispute resolution including mediation, arbitration  
27 and/or an early neutral evaluation. The parties agree that an early neutral evaluation would not be  
28 effective at this time as the parties and their counsel believe that it is necessary to conduct discovery

before attempting to resolve this case. Counsel further agree that a settlement conference or private mediation will be beneficial after discovery is concluded. Finally, the parties and their counsel are not interested in submitting this case to arbitration.

9. **Alternative Forms of Case Disposition:** The parties certify that they discussed consenting to trial by a magistrate judge or engaging in the Short Trial Program under Fed. R. Civ. P. 73 and at present do not consent to either alternative form of case disposition.

10. **Electronic Evidence:** The parties certify that they have discussed and intend to use electronic evidence at the trial of this matter and will ensure that said evidence is in an electronic format compatible with the Court's electronic jury evidence display system. At present, the parties have not agreed upon any stipulations regarding use of electronic evidence but will address this issue again in the Pre Trial Order.

11. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** Any stipulation or motion must be made no later than 21 days before the subject deadline. Requests to extend discovery deadlines must comply fully with LR 26-3.

Respectfully submitted this 25th day of May, 2022.

## TANNER LAW FIRM

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## **ORDER**

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE  
DATED: May 26, 2022